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Digital Imaging General, **DIMAGE** Inc.
...*dimage* vs. *damage*...

Federal Communications Commission
Office of Secretary

MM Docket No. 87-268

COMMENTS

ON FIFTH NOTICE OF PROPOSED RULE MAKING (NPRM)
and
ON PUBLIC NOTICE FCC 96-465

DOCKET FILE COPY ORIGINAL

Dr. Dmitry A. Novik
President
Digital Imaging General,
DIMAGE Inc.
4621 Clark Pl., NW
Washington, D.C. 20007
tel: (202) 333-8956
e-mail: dnovik@CapAccess.org

December 2, 1996

Reed E. Hundt
Chairman,
James H. Quello
Commissioner,
Susan Ness
Commissioner,
Rachelle B. Chong
Commissioner,
Federal Communications
Commission

Dear Chairman, dear Commissioners:

November 27, 1996, almost 4 months after August 9, 1996, when my constitutional right to visit anymore the public areas at FCC building (1919 M Str., NW, Washington DC) have been rejected by your decision (see documents No. 3, 4, 5 packed in Appendix A to this comments) and, therefore, I was not able to participate in official procedures of public discussion on materials in the proceeding MM Docket No. 87-268, I have been welcomed now very complaisantly by guards in the lobby entrance of the same building and by the staff in the room 239. Mr. Cline - this time very friendly and favorably - gave me to read, particularly, your last Public Notice (FCC 96-465 released the same day November 27, 1996) by which FCC elicits subsequent comments on the agreement on the issue of technical standards for digital television ("Agreement") signed and sent to you November 26, 1996 by the representatives of Broadcasters Caucus, Consumer Electronics Manufactures Association, Computer Industry Coalition on Advanced Television Service.

I have read carefully and fulfilled exhaustive scientific and engineering analysis - to the best of my knowledge - of this

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Agreement, the written statement of Commissioner S.Ness (FCC News, November 27, 1996) and quotations of statements expressed on this issue by Chairman R.Hundt, Commissioners H.Quello and B.Chong, as well as according quotations from the statements on the same issue expressed by other officials from FCC in "Communications Daily".

So, I would like and feel some professional obligation and citizen duty to share with you the main results of this analysis.

First of all, this analysis of all these new documents as well as comments filed in the MM Docket No. 87-268 on the Fifth Further NPRM earlier does not change the opposition to the expressed in Fifth Further NPRM your unanimous intention to adapt ATSC DTV Standard as a New National Standard for the free over-the-air TV broadcasting and mandate its use, the opposition which DIMAGE Inc. filed as its comments in the MM Docket No. 87-268 July 2, 1996. I urge you to read one more time again all these DIMAGE Inc. comments, Appendix A of those comments foremost and at least.

In the same time the Agreement and all accompanied it statements by officials from FCC raise some additional details to this opposition.

These details and final recommendations from DIMAGE Inc. for consideration, discussion, and decision by FCC are:

1. The Agreement as the unprecedented, having been made behind the back and by the expense of American people the lobby attempt from the special self interests groups to put **ultimatum** to FCC and, therefore, to the Nation must be resolutely and unconditionally rejected as an ultimatum itself and foremost for the sake of the protection of the free over-the-air TV broadcasting, and, therefore, economical and social well being of the United States now and years to come in many ways influenced by the free over-the-air TV broadcasting.

2. It is time to stop resolutely the long agony of the Fifth Further NPRM to answer on a like Hamlet's question - to be or not to be the right for American people decision by FCC on the issue of the ATSC DTV Standard submitted to FCC - by rejecting unconditionally the ATSC DTV Standard as a new National TV free over-the-air broadcasting Standard instead NTSC Standard.

3. For the sake of the unrestricted blooming of the new telecommunication services and innovations, TV services and innovations particularly, open competition on the telecommunication market, and the best investment and management of the most valuable public property, the radio frequency spectrum, - to put immediately (with necessary legal preparations) on auction for licensing the spectrum slots, considered earlier in the Fifth and Sixth Further NPRM's as free of charge for DTV's broadcasters exclusively, without **any** restriction for licensers how to use these spectrum slots giving, therefore, particularly to the proponents of the ATSC DTV technology and systems for TV over-the-air broadcasting incompatible with NTSC the fair and equal rights to compete on telecommunication marketplace for success and, therefore, the commercial justification of their R&D investment in HDTV (ATSC) DTV technology.

4. To invite national and worldwide business community to

design and submit to FCC the applications to get the licenses for any innovative TV services on the territory of the United States which are **compatible with NTSC TV format**, licenses on the same free of charge spectrum slots allocated now and being reserved for the NTSC free over-the-air TV broadcasting.

I would like also to share with you putting in public domain the copies for some of my letters sent to the Administration concerning TV technologies and services issues after DIMAGE Inc. has filed July 2, 1996 its comments on the Fifth Further NPRM and at the time when DIMAGE Inc. has been rejected the right to participate in the process of public discussion these issues before FCC. This material is packed in Appendix A.

If you have any questions please call 202-333-8956 at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dmitry Novik".

Dmitry A. Novik

APPENDIX A

- 1) letter to President B.Clinton, July 10, 1996 - 2 pages;
- 2) letter to FCC Chairman R.Hundt, July 10, 1996 - 1 page;
- 3) letter-protest to FCC Chairman R.Hundt, July 18, 1996 - 6 pages;
- 4) letter to FCC Commissioners, July 19, 1996 - 1 page;
- 5) letter to President B.Clinton, July 19,1996 - 1 page;
- 6) letter to Assistant Secretary of Commerce L.Irving, 5 October, 1996, 5 pages;
- 7) letter to Secretary of Commerce M.Kantor, 5 October, 1996 - 2 pages;
- 8) letter to President B.Clinton, July 19, 1996, 3 pages.

Dr. Dmitry A. Novik
Digital Imaging General,
DIMAGE Inc.
4621 Clark Pl., NW
Washington, D.C. 20007
tel: (202) 333-8956
e-mail: dnovik@CapAccess.org

July 10, 1996

Mr. Bill CLINTON
President of the United States of America
White House
1600 Pennsylvania Avenue, NW
Washington, D.C.

Dear Mr. President:

Beforehand thanks for your review of this letter.

After many thoughts and considerations I decided to appeal to you directly on the eve of the forthcoming meeting at White House on TV issues. The last drop which overflowed my patience as professional in TV technology and foremost as American citizen was the publication in The Washington Post (Monday, July 8, 1996, page A12) the letter, undersigned by the highest representatives of the companies united in the so called Grand Alliance and supporters of it, urging your Administration and Congress to influence the FCC to adapt and require to use the Grand Alliance HDTV Standard as the new national TV Standard (instead of the existing NTSC Standard) and assign the broadcast channels for it without any delay, to "approve HDTV now!".

Such desperate lobbying attempts to favor adaptation of HDTV Standard, unfortunately, is nothing more than one more example of the corporate welfare, the unavailing, I hope, maneuver to rescue their half billion risky investment in HDTV R&D by the almost thousand of billions dollars expense of the taxpayers money, threatening to the nation economical and social well being today and years to come.

All scientific and engineering arguments, reasons, and proves why the adaptation of the Grand Alliance HDTV Standard, which is **incompatible** with NTSC Standard, will be the Grand Mistake in the technology policy misserving the nation needs, are in the material which I attached to this letter. Among this material, which is the collection of my previous public appeals-letters to you, your Office of Science and Technology Policy, FCC Chairman R. Hundt, is my Comments on FCC's Fifth Notice of Proposed Rule Making which I sent July 2, 1996 to FCC under an invitation from FCC Chairman R. Hundt. I hope that Dr. L. Philips and Dr. L. Johns from the Office of Science and Technology Policy of your Executive Office, with

whom I had intensive phone conversations and exchanges by letters concerning TV technologies issues and who are knowledgeable about my professional profile, will be very helpful in assessments of this material for you.

Just two weeks ago the same lobbyists who published the letter in the Washington Post inspired the Republican leaders of Congress, Senate Majority Leader T.Lott and House Speaker N.Gingrich to sign and send June 19, 1996 the unprecedented letter to FCC Chairman R.Hundt ultimately dictating the FCC to adapt HDTV Standard and assign additional broadcast channels for it.

Senator Larry Pressler, the Chairman of the Senate Commerce, Science, and Transportation Committee who was so dramatically and extremely successful to navigate The Telecommunication Bill through these all visible and invisible, underwater obstacles in the Senate and in the whole Congress, The Telecommunication Bill which you sign into the Law - the historic Telecommunication Act, was the only one among the Republican leadership who courageously, strongly, and openly has rejected to sign this letter-dictate.

So, the issue of adapting of the new HDTV Standard from purely professional scientific and engineering discussion has been transformed to the very important and sensitive political issue if to count that what it will be the TV service and especially over-the-air TV broadcasting touches practically the whole population of the nation. It might be with very high probability that this political issue will become one of the hot issues of 1996 election campaign and you will be obliged to make your own choice very soon.

It is the reason why I would like to be invited to participate in the forthcoming White House meeting on TV issues. Believe me, Mr. President, in my desire to be there is nothing more than to try to help to represent the diversity of the opinions, to share my professional knowledge and experience in TV technology and digital image (video) data compression from 1955 in order your choice, national consensus on TV technology policy will be based on the strong thorough assessments of the strong and weak sides of the alternatives. Let's emphasize that my opposition to the **incompatible** (with NTSC) HDTV is the **constructive** opposition - I was lucky to find two innovative **digital** TV technologies and services - the *Digital Stereo Compatible TV (NTSC-DSC)* and the *Video Publication Service - A New Interactive TV public service [TV(video) Publishing House, TV Public Library, Personal TV (video) Book]* **completely compatible** with NTSC Standard.

Personally as a new american citizen and voter I'm looking forward to cast my vote for your reelection - America and you need each other to successively close the chapter of the XX century and put the ground for success in the next century and millennium. I wish you good luck in your appeal and challenge to the nation future.

Thanks again for your time and consideration,
I'm truly yours

Dmitry A.Novik

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...**dimage vs. damage**...

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July 10, 1996

Reed E. Hundt
Chairman
Federal Communications Commission

Dear Chairman:

I'm sending you the copy of my letter to the President Bill Clinton. I hope it will help FCC, its Chairman and Commissioners to make their choice - either to surrender to the desperate corporate lobby pressure on FCC expressed in the letter from the so called "Coalition of Citizens for HDTV" and dictate of the letter sent to you by Senate Majority Leader T. Lott and House Speaker N. Gingrich, or to do what is right - try to assess as deep professionally as possible the tragic consequences for the economic and social well being of the nation which are inevitable if FCC will hurry to adapt HDTV Standard and require its use. As Russian proverb says - "Measure seven times and only after cut". I ask you to measure one more time before to cross the Rubicon.

Everything but signature names in the letter from "Citizens for HDTV" is false, even the name of coalition. Only the time and years to come will show if citizens' valets is for or against HDTV adventure if FCC decided to go ahead. Until that it is better for FCC as the professional service to the nation to lend an attentive ear on behalf of all citizens of the nation to the tiny voices from **individual** citizens having professional knowledge and experience.

I hope also that the information which Mr. Arlan K. van Dooren conveyed to you last Thursday will and must have some follow up.

Sincerely,

Dmitry A. Novik

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Dr. Dmitry A. Novik
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4621 Clark Pl., NW
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tel: (202) 333-8956
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July 18, 1996

Reed E. Hundt
Chairman
Federal Communications Commission

PROTEST

Mr. Chairman:

What's happen at the entrance hall of the FCC building (1919 M Street, Washington D.C.) starting 12:14 p.m. August 13, 1996, and then again starting 2:44 p.m. the same day was only the final accord of the long chain of the events of your Mr. Chairman finally irresponsible and brute force orders to treat me as the criminal person threatening the business activities of the FCC.

The order to reject forever (at least until you will be the FCC's Chairman) my access to go inside FCC building, the room 239 of this FCC building, particularly, foremost needed in order to read the comments and reply comments filed to FCC (Doc. No. 87-268 concerning TV Standard), cancellation of the prescheduled and confirmed 7 days before the meeting with S. Shapiro at 3:00 p.m. the same day August 13, 1996, and putting a ban on meetings with me for any FCC employee are:

- the direct violation of my constitutional civil rights as the citizen of the United States of America supported by the First Amendment of the Constitution of the United States of America;
- an act of your dangerous mismanagement of the FCC and violation of the Commissions Rules of the procedures for preparation and application of the comments and reply comments to FCC's Notice of Proposed Rule Making;
- professional misservice to the President of the United States of America, Congress, and the public interest of the american citizens concerning the free-over-the-air TV broadcasting service and regulation (standard) of this service.

The beginning of this chain of your irresponsible and brute force orders how to treat me by FCC employees, your subordinates, may be traced to my first initial letter written to you by direct advice from Dr. Lionel S. Jhons, Associate Director for Technology

and Mr. John Foster, general counsel of the Office of Science and Technology Policy of the Executive Office of the President of the United States of America. This letter was written and faxed to your office April 9, 1996 (I attached the copy of this letter).

Still having no any response from you or your subordinates on the matter of my letter to you, I met you and your assistant May 23, 1996 in the National Press Club where you delivered luncheon follow-address to the Symposium "New Media, Old Media and the Future of Campaign Television: What Next on the Free Air Time Issue?".

Having no any response from you or any of your subordinates on the letter more than month and a half, after uncounted numbers of my calls to your secretaries and assistant to find what's happen with my letter and its copy given to you at National Press Club, I wrote and faxed the second letter to you May 24, 1996 (I attached the copy of this letter).

Now, having no any response on two of my letters to you or any call back from your office, I decided finally to visit your Office June 10, 1996. Accidently, I had a chance to see you, and your secretary then said that Mr. Arlan K. van Doorn will be with me shortly to help. I had conversation with Mr. van Doorn, he asked me to refax to him personally all materials and letters which FCC already possessed. I has done it next day June 11, 1996 and in my phone conversation with Mr. van Doorn the same day he confirmed receiving my fax and said that he will be in touch with me after he will return from his business trip week later. The promises from Mr. van Doorn, unfortunately, were empty promises - he did not call me, and did not call me back on my calls to him either.

Meantime, June 26, 1996 I finally received your letter signed by you June 12, 1996 in response to my letter to you dated April 9, 1996. In your letter you informed me:

- about adapted by FCC May 9, 1996 the Fifth Notice of Proposed Rule Making (FNPRM), proposing to adapt ATSC digital television standard developed by Grand Alliance;
- that FCC is seeking comments on other possibilities that would provide greater benefits to the American people;
- and encourage me to comment in your digital TV rule making (to help me to do so you enclosed a copy of FNPRM);
- and assured me that my technical papers "*Digital stereo Compatible TV (DSC TV)*" and "*Video Publication Service - A New Interactive TV Public Service*" have been reviewed carefully by the staff of the Office of Engineering and Technology and Mass Media Bureau, and these two papers have been placed into the public record of this (Doc. No.87-268) proceeding.

Unfortunately (for you), the last your statement about the status of my two technical papers in FCC is absolutely false.

Really, working on my comments on FNPRM I decided to go to FCC to read other documents in the file Doc. No.87-256. I came to the Room 239 June 27, 1996 at 10:05 a.m. and asked to help me to find this file for reading. I was met by Mr. W.Cline who tried to help me. For the beginning I asked him to find in the file Doc. No. 87-268 my two technical papers which, as Mr. Chairman assured me in

his letter, are in the file. Mr. W.Cline spent more than half an hour striking the keys of keyboard of the computer in different combinations, asking me my name spelling, my address, telephone number, and on and on and on, asked to read the letter from Chairman Hundt, but at this point of time, half an hour after search started, it was clear for me (and I think for Mr. Cline too) - it is impossible to find something which is not in the file at all.

Then Mr. Cline suggested that may be I can find my papers in the original paper copy of the Doc. No. 87-268, invited me to an office and gave a pack of papers to search. My search was unsuccessful too - there were not two my technical papers in this paper packet also. Then Mr. Cline said to me that we will go to his subordinates, computer specialists who will help. So, he invited me in another office and introduced to two ladies. One of them, as became clear later, P.Rawlings, started again to strike keys of keyboard of another computer, asked me again my name and so forth - but nothing helped, she also was not able to find my papers in the file of Doc. No. 87-256. After additional unsuccessful 15 minutes of search she left the office for phone conversation. After this phone conversation P.Rawlings left the office nothing saying to me. Additional 20 minutes passed and nothing happen, so I asked the second lady - where is lady who tried to help me? I received an answer that she is on the 8th floor (from my visit of the Chairman office before I knew that this floor is the floor of the Chairman office).

I said to the second lady that I can not trash my time for nothing and that I will go to visit Mr. van Doorn and Mr. S.Shapiro, where I can be traced, and after half an hour I will be back. When I returned, I have seen that P. Rawlings is reading my original letter sent before to Chairman, and typing the double copy of it in computer - I have seen an open attempt to falsify the situation, to make cover up. So, I asked P.Rawlings - answer me, please, on my question: did my papers or other my documents (like letters to Chairman) were in the file when Mr.Cline came with me to this office, yes or no? At this point time P. Rawlings started to cry that I interfere her job, requested that I leave the office pushing me out of the office. Quite naturally I raised my voice and said that I will leave the office only after she will give me her name - that's when I have known the name P. Rawlings. Five minutes later came guard person and escorted me to the office of Mr. Cline under my request.

I explained to Mr. Cline the situation. He left his office and three minutes later came back handling in hands some package of papers - "it's the hard copy of your material from file Doc. No. 87-256" said Mr. Cline giving me this package. There were - instead my two technical papers - the copies of my personal letters to President B.Clinton (dated September 12, 1995), to Dr. L.Johns (dated April 7, 1996), and to Chairman Hundt (dated April 9, 1995). Then Mr. Cline asked guard person escorted me out of building. I said that I will leave office only after someone from the office Inspector General will come. Some minutes later Mr. E.Husken

arrived, I explained the situation and my complaint and asked to report in the written form to the Inspector General. I was escorted out of building at 2:51 p.m.

Returning to my office I called to Mr. van Doorn, explained the situation, expressed my deep resentment, and asked for meeting. Meeting was scheduled for Tuesday, July 2, 1996 at 9:15 a.m. This day I was met and escorted to the building by Mr. van Doorn. At the meeting in his office I said that I see only one way to solve the conflict situation inside the FCC - the Chairman needs to find who is guilty that in his letter was false statement, who ordered to cover up June 27, 1996, and to write me the letter with apology, the results of his investigation and the measures selected to prevent such situation in the future. I asked to convey this message-offer directly to you, Mr. Chairman. The same day July 2, 1996 after meeting with Mr. van Doorn I filed my comments (40 pages and its 9 copies) on FNPRM to the Office of the Secretary of the FCC.

Friday July 5, 1996 Mr. van Doorn called me and informed that my message was conveyed directly to you, Mr. Chairman.

July 10, 1996 I was able to go inside FCC building without any escort as all citizens do, to go to the Room 239 for my research reading, the same day I came to your Office and gave to your secretary the letter to you and copy of the letter sent to President Clinton (I attached the copies of these two letters).

Unfortunately, you, Mr. Chairman did not accept my offer conveyed to you by Mr. van Doorn July 4, 1996, instead you decided to make rigid measures against me. So, next time July 22, 1996 when I came at 09:00 a.m. to the FCC to read the file in the Room 239 I was told by guard that under the order I can not go myself and must be escorted. I was escorted to Room 239 by security officer E.Botker. For some reasons computer system was not able to work properly. So, Mr. Cline suggested at 11:45 a.m. to me that I will go for lunch and when I will come back the computer system will be fixed. Again, came Mr. Botker and escorted me out of building. When I returned 25 minute later from lunch and was escorted again by Mr. Botker to Room 239 the computer system was fortunately fixed and I was able for productive use of my time till 5:00 p.m. reading the documents of the file Doc. No. 87-256.

Next day I called to Mr. van Doorn and Director of the Public Affairs Office to arrange meetings with them, according meetings were arranged.

July 29, 1996 I met with Mr. van Doorn for an hour long meeting. Finally I repeat my offer to you, Mr. Chairman asking to convey this message-offer by Mr. van Doorn. He promised but never called me back anymore and never called me back on my many calls to him.

July 30, 1996 I met for 15 minutes long meeting with S.Sallet, whose letter, signed by her July 17, 1996, I received July 24, 1996. S.Sallet was not able to answer on any of my questions arisen after reading her letter - she was silent at the meeting as a fish with full mouth of water. I said to her that the lie about lie does not mean at all the truth - it's exactly what the statements of her letter are.

Having no respond from FCC, I called August 2, 1996 to Inspector General Mr. Feaster to arrange meeting with him. August 7, 1996 I met with Mr. Feaster in his office for 15 minutes long meeting. At this meeting was also as the silent witness Mr. E. Husken. I showed to Mr. Feaster all documents which I have confirming the wrong doing by FCC employees, and said that it is my last offer to FCC to solve the situation inside the FCC - if I will not received his call before August 13, 1996 I will feel free to apply for the help outside FCC. Mr. Feaster escorted me out of building.

August 6, 1996 I called to Mr. S. Shapiro to arrange meeting with him. The meeting was scheduled for August 13, 1996 at 3:00 p.m.

August 13, 1996 I came to FCC at 12:14 p.m. to read the reply comments (the deadline to file these reply comments was August 12, 1996) and later at 3:00 p.m. to meet with Mr. S. Shapiro. Guard person said that access inside the FCC building (1919 M Street) is denied for only one person in the whole nation - for me, and showed according order signed August 9, 1996 by Mr. Ryan. I asked to talk with supervisor. Finally, Mr. Bodker came to the hall. I said that I need to go to the Room 239 and then at 3:00 p.m. for the scheduled meeting with S. Shapiro. Mr. Bodker denied in the categorical and rude manner any possibility to go to the Room 239 and puts my meeting with S. Shapiro under the question. I asked to call to ask S. Shapiro. Five minutes later Mr. Bodker came again and said that he can not find S. Shapiro and started to threat to arrest me by special guard forces team if I will not go out of building on the street. So, I went to neighboring DC library to do my work before to come to the meeting with S. Shapiro. When I arrived 2:44 p.m. guard person called to Mr. Bodker and he by phone conversation with me said that my meeting with S. Shapiro is canceled.

When I returned to my office I was able to hear the message from answering machine. This message was recorded 2:18 p.m. and secretary for Mr. Shapiro informed that my meeting with S. Shapiro at 3:00 p.m. has been canceled, but asked - please, call to Mr. Shapiro to arrange the meeting in the future. I called but S. Shapiro did not call me back this day, August 13, 1996. (When I finally reached Mr. Shapiro August 15, 1996 he categorically denied any meeting with him at any time.)

The same day, August 13, 1996 I received the certified letter from Inspector General Mr. Feaster signed August 9, 1996. It is the whole text of this letter: "As a result of your meeting with me August 7, 1996, I examined the issues you presented. I could find no evidence of violation of law, regulation, or policy by anyone of the Federal Communication Commission. Accordingly, I consider the matter closed." (Copies of this letter Mr. Feaster sent to Deputy Chief, Compliance and Information Bureau and Acting Director, Office of Public Affair.) The logic and speed of the reaction by Mr. Feaster reminded me the logic of one of the Chekhov's stupid guy: "It can not be happen because it can not be happen never".

It is not necessary to be the special criminal investigator from FBI to conclude that your Mr. Chairman behavior behind the scene forced all three events happen together the same day August 9, 1996

- to deny my access to FCC, the letter from Inspector General, and cancellation the meeting with S.Shapiro.

The whole chain of events is a clear illustration of the main theme of the famous Dostoevsky's novel "Crime and Punishment" - they travel together finally, not punished small crime is followed by more severe crime.

So, I blame foremost you, Mr. Chairman and your "independent" Inspector General. I request immediate restoration of the free access for me as for any citizen of the United States of America to the public areas of FCC building, the Room 239 and library foremost to fulfill my professional duties and citizen rights and obligations.

It is no doubt in my mind that the Constitution of the United States will be the decisive force to finish this like "David vs. Goliath" fight as it's supposed to be - the winner will be who is right rather than who has a power.

I was advised by the Civil Rights Division of the Justice Department and from the Executive Office of the President of the United States of America to send according letter to the President.

I am sending the copy of this Protest to the President Clinton, to Commissioners J.Cuello, S.Ness, and R.Chong.

I feel free to appeal for support to public and Congress, put this Protest in public domain when and if it will be needed.

Sincerely,

Dmitry A.Novik

Digital Imaging General, DIMAGE Inc.
...dimage vs. damage...

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DIMAGE Inc.
4621 Clark Pl., NW
Washington, D.C. 20007
tel: (202) 333-8956
e-mail: dnovik@CapAccess.org

August 19, 1996

Commissioner
Federal Communications Commissions

Dear Commissioner:

I am faxing to you the copy of the Protest which I sent to Chairman Reed E. Hundt.

I hope and believe that you will put your voice and power of independent Commissioner in order to restore my access to the public areas in the FCC building (1919 M Street NW, Washington D.C.), the Room 239, library, and Office of the Secretary, as well as ability to meet with FCC employees needed to fulfill my professional duties and citizen right and obligation - to continue to participate in the public debate helping you in the rule making concerning the issue of TV free-over-the-air broadcasting and its standard (I filed in Doc. No. 87-256 July 2, 1996 my comments (40 pages) on Fifth Notice of Proposed Rule Making).

Let's say very clear at this point that without restoration of the constitutional order in FCC business and freedom to participate in public debate for any citizen, professionals especially and foremost, concerning the issues of the TV free-over-the-air broadcasting and its standard, there is not any chance that the process of the public debate and your ruling about the future of the TV free-over-the-air broadcasting will serve the public interest, support and promote the social and economical well being of the nation if to count the very powerful impact of the TV broadcasting and service on the political, social, and economical life of the United States today and years to come.

Thanks for your time and consideration.
With the best wish for success in your leadership,
I'm truly yours,

Dmitry A. Novik

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Digital Imaging General,
DIMAGE Inc.
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tel: (202) 333-8956
e-mail: dnovik@CapAccess.org

August 19, 1996

Mr. Bill CLINTON
President of the United States of America
White House
1600 Pennsylvania Avenue, NW
Washington, D.C.

Dear Mr. President:

Beforehand thanks for your review of this letter.

I was advised by the representatives of the Civil Rights Division of the Department of Justice and the Office of Science and Technology Policy of your Executive Office - after explanation to them what's happen in FCC where by Chairman R. Hundt decision it was denied my access to public areas of FCC building as well as meetings with any FCC employee needed to fulfill my professional duties and citizen right and obligation - to write this letter.

I appeal directly to you, Mr. President in order to restore the constitutional order in FCC business and freedom to participate in public debate for any citizen, professionals especially and foremost, concerning TV free-over-the-air broadcasting and its standard.

I am sending to you, Mr. President the copy of the Protest which I sent to Chairman R. Hundt. This Protest contains all facts and documents needed to asses the situation and make all according necessary steps of actions which you will choose.

I hope and believe that this letter will go through the labyrinth and finally will reach your personal attention.

Thanks again for your time and consideration.
With the best wish for success in your leadership,
I'm truly yours

Dmitry A. Novik

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...dimage vs. damage...

Dr. Dmitry A. Novik
President
Digital Imaging General,
DIMAGE Inc.
4621 Clark Pl., NW
Washington, D.C. 20007
tel: (202) 333-8956

October 5, 1996

e-mail: dnovik@CapAccess.org

Larry Irving
U.S. Department of Commerce
The Assistant Secretary for
Communications and Information

Dear Mr. Irving:

I'm writing to you directly as to the Assistant Secretary of Commerce and the Administrator of the National Telecommunications and Information Administration (NTIA) qualified to be the **principal** advisor to the Executive branch - the Administration, The President on telecommunications and information policy issues.

The imperative necessity to write you directly is determined by many reasons but foremost because both your letters signed by you July 11, 1996 and August 9, 1996 having been sent to FCC Chairman Reed E. Hundt on "**Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service**" are delivered the absolutely wrong advice to the Executive branch of the Federal Government, The President on the TV broadcast service issues policy; secondly because my previous appeals to your direct subordinates Barbara S. Wellberry, Chief Counsel and Tatia Williams, your Senior Adviser were appeals without any feed back, communication to some black holes.

It is the chronology of the events. It started July 22, 1996 when I was at FCC reading and reviewing all comments filed in the FCC MM Docket No. 87-268 to the "Fifth Further Notice of Proposed Rule Making"¹. It is then when I read first time your comments (3 pages) signed by you July 11, 1996 - the last day when comments might be filed in the Dockets No. 87-268. At the same day I read also in the same Docket No. 87-268 the comments (3 pages) in the letter to FCC Chairman R. Hundt signed by Lionel S. Johns, Associate Director for Technology, Executive Office of The

¹ Our nonprofit organization, Digital Imaging General, DIMAGE Inc. also filed July 2, 1996 its comments (41 pages) to the "Fifth Notice of Proposed Rule Making", Docket No. 87-268.

President, Office of Science and Technology Policy². These two letters, signed by you and Dr. Johns, were - surely not by an accident - very much identical if not precisely in words then by the essence of the comments .

It is what you wrote in the conclusion of your comments:

"The Commission must act rapidly to ensure that American industry and consumers are able to fully capitalize in the years of hard work that have gone into the development of a new advanced television system. If we fail to act now, the window of opportunity may be closed by the success of competing foreign standard."

It is what was written in conclusion of his comments by Dr. Johns:

"The fate of digital television and all its attendant benefits for American consumers and the U.S. economy teeter on the Commission's decision whether or not to adopt the ATSC DTV standard for digital television transmission. I urge the Commission to act quickly to adopt the ATSC DTV standard, creating the certainty needed to secure America's global position as the leader in digital video technology and manufacturing."

Well orchestrated and written in unison the recommendation, if not to say insistence, to FCC expressed in your letter and in the letter signed by Dr. Johns, unfortunately, was **absolutely wrong** recommendation which if it was accepted or will be accepted by FCC will be the economical and social disaster for American consumers and industry, the real threat to the economical and social well being of the United States - nothing to none in the history - if to count the enormous role and influence of the TV service and products on economical, social, political life of the United States, its globe leadership position for now and in the years to come.

The detailed analysis and clarification for such statement you can find in comments filed in Dockets No. 87-268 by DIMAGE Inc. By the way, nothing can be more clear verification of this evaluation of your recommendation from your initial letter signed by you July 11, 1996 than the second letter with your reply on comments (2 pages) signed by you August 9, 1996. The recommendation from your second letter is **absolutely inconsistent** with your recommendation from the first initial letter dated July 11, 1996. You wrote in conclusion of this second letter:

"The Administration also believe that the best solution for the many difficult questions that have arisen in this proceeding would be for interested parties to reach a consensus of the disputed issues. If the stakeholders engage in a serious dialogue, we believe that they will be able to find sufficient common ground to arrive at a compromise. An industry-developed consensus on these difficult issues would be far preferable to a government-imposed resolution of these issues at all."

² Let's remind that later, this letter from the Executive Office of The President, Office of Science and Technology Policy was retracted in September 1996 time frame.

I will give the detailed analysis of the wrong statements and recommendations in your second letter later on but let's say now in the most unequivocal manner that inconsistency of your two letters does not reflect your reasonable flexibility but rather reflects your unscrupulousness grounded on professional helplessness of the NTIA and capitulation in the fight for the interests of the American people giving the right to decide instead to the groups of the special self interests.

I completely understand and recognize the full my responsibility which is followed from this very serious accusation of the public servant as you has to be.

Let's return to the chain of events. After reading and analysis of your first letter dated July 11, 1996 I called to your office in the attempt to talk to you, brief you or someone responsible for preparation of this letter in order to explain the erroneousess of this letter and prevent the worst thing that can be happen - the acceptance by FCC your recommendation to adapt ATSC DTV standard and mandate its use.

After many my calls to your office I was told finally by your secretary that this person is Bruce Henoch from the office of the Chief Counsel for NTIA and you are not available to talk with me.

So, I called to Bruce Henoch and finally arrange our meeting. Our an hour long meeting took place August 20, 1996 in the Mr. Henoch office. In the response to my question did he read the DIMAGE, Inc. comments Mr. Henoch said that he did not, adding to this that he as a lawyer had advice from NTIA engineering staff and invited to the meeting Mr. Lee. Mr. Lee did nor read either. So, I explained to both of them the scientifically, professionally incorrect statements from the letter you signed and briefed them about analysis and recommendations given in the DIMAGE, Inc. comments. Let's emphasize that my opposition to the **incompatible** (with NTSC) HDTV proposed by Grand Alliance as ATSC DTV standard is the **constructive** opposition - I was lucky to find two innovative **digital** TV technologies and services - the *Digital Stereo Compatible TV (NTSC-DSC)* and the *Video Publication Service - A New Interactive TV public service [TV(video) Publishing House, TV Public Library, Personal TV (video) Book]* **completely compatible** with NTSC Standard.

I attract Mr. Henoch attention to the fact that wrong recommendations stated in your letter might have very serious political consequences too and, therefore, we need to brief you personally. At this meeting I gave to Mr. Henoch the copy (40 pages) of the DIMAGE, Inc. comments from the Docket No. 87-268, my Resume describing my professional background, education, skills, and experience as well as, by the recommendation from Gregory Simon, senior domestic adviser to Vice President A.Gore, the two my White Papers "*Digital Stereo Compatible TV (DSC TV) - the Future TV Standard*" (7 pages) and "*Video publication Service - A New Interactive TV Public Service [TV(video) Publishing House, TV Public Library, Personal TV (video) Book]*" (7 pages). I asked Mr. Henoch to call after his reading.

Week later in my phone conversation Mr. Henoch said that he talk

to your scheduler for meeting. Finally Mr. Henoch called and informed that I will meet with Chief Counsel B.Wellberry. Finally, September 16, 1996 I met for an hour long meeting with B.Wellberry in her office. She invited to participate in the meeting Mr. Henoch and Mr. Lee. Just after the meeting Mr. Henoch gave me the copy of your second letter dated August 9, 1996.

Unfortunately, neither Mr. Lee nor B.Wellberry did not read the materials I left before to Mr. Henoch. So, I was asked to repeat mainly what I said in the first meeting with Mr. Henoch August 20, 1996 again for B. Wellberry. I emphasize to B.Wellberry personally in conclusion that I believe that the wrong position of the NTIA to some extent is grounded on the bad service from NTIA engineering staff and offered DIMAGE, Inc. professional help to NTIA. I said that it is my professional obligation to answer all questions might be arisen after reading my materials from any participants of the meeting or any person from NTIA. I also informed B.Wellberry that by the unconstitutional decision by FCC Chairman R.Hundt I was rejected to read any more the comments and reply to comments from the Docket No. 87-268, gave to her the copy of my Protest sent to Chairman R.Hundt on this situation and asked the help from NTIA to resolve this conflict situation.

Chief Counsel B.Wellberry promised to brief you and after discussion with you to call me. Unfortunately, it is never happen, it was false promise. Neither B.Wellberry nor anyone else from NTIA called me, asked some question particularly. I wish not to say this but it is folk's wisdom squeezed in proverb: **"Only ignorance has not any question."**

More than this, when I called to B.Wellberry she rejected to talk with me and on her behalf Mr. Henoch said that if it will be necessary - someone will call me. Period.

So, I called to your senior adviser Tatia Williams asking for meeting to brief you. She promised to call but did not.

Let's now briefly analyze meaningful part of your second letter dated August 9, 1996 in what you reverse your position, the Administration position as you stated.

You wrote:

"By mandating adaption of only essential elements of a DTV standard, the Commission will ensure that the door will not be closed to future technological developments. It will also permit the marketplace to determine which features of DTV are most desirable and will promote the evolution of DTV, including migration of DTV to an all-progressive scan system."

Let's put for the record again well professionally and historically (the transition from grayscale NTSC to color **compatible** NTSC earlier in 1953) grounded prediction - American customers, marketplace will never approved by their valets the transition to any **incompatible** with NTSC TV standard, such incompatible "all-progressive scan system" TV standard particularly, even with the adjective "digital", will be the barrier to adapt such American technology abroad either.

Someone reading your statements like: "...although only the marketplace will determine whether "convergence" between computers

and consumer electronics will occur, the FCC should not impose roadblock to this possibility" and "An industry-developed consensus on these difficult issues would be far preferable to a government-imposed resolution or no resolution of these issues at all." can see only as the signs of the NTIA's impotency professionally to analyze, predict, and advice the Administration on the most important in TV and information services policy issues and asks is it really necessary to have such weak weathercock government body.

It is public relation tragedy that the highest responsible persons from the Administration as well as the highest responsible persons from the 104th Congress like Speaker N.Gingrich and Senator Majority Leader T.Lott signed the letters to endorse ATSC DTV Standard, insisting to adopt it practically lobbying for the special self interests groupes at the expense of the American customers, American people.

Fortunately, President B.Clinton thanks to his hihgest political intuition and wisdom is not involved in these activities personally and this provides the hope and the room for the case that the Administration will be capable to stay firmly protecting the interests and rights of the American customers, American people openly proclaiming that any innovations in TV free over-the-air broadcast service **must be compatible** to the NTSC format - the technological Constitution of TV service, the genius choice of the our founder fathers of TV service.

It is an irresponsible behavior of your direct subordinates Chief Counsel Wellberry and Senior Adviser Williams what was the last drop which overflowed my patience, pushed me to write this letter. I hope that this letter will be not ignored and answered at least.

I am sending the copy of this letter to President Bill Clinton and Secretary of Commerce Micheal Kantor.

Thanks for your time and consideration. If you have any questions you are welcome to call 202-333-8956.

Sincerely,

Dmitry A. Novik

Digital Imaging General, DIMAGE Inc.
...dimage vs. damage...

Dr. Dmitry A. Novik
President
Digital Imaging General,
DIMAGE Inc.
4621 Clark Pl., NW
Washington, D.C. 20007
tel: (202) 333-8956
e-mail: dnovik@CapAccess.org

October 5, 1996

Micheal Kantor
Secretary of Commerce
U.S. Department of Commerce

Dear. Mr Kantor:

I would like to attract your **personal** attention to the copy of the letter which I sent to the Assistant Secretary for Communication and Information Larry Irving. I attached the copy of this letter (5 pages).

The issue of the Administration policy for Advanced Television Systems and their Impact Upon Existing Television Broadcast Service is extremely important to the economical and social well being of the United States, its global leadership and competitive position in global economy if to count the enormous role and influence of the TV service and products on economical, social, political life.

I attached also the copy of the main body of the comments (the letter to FCC 4 pages) to the "Fifth Further Notice of Proposed Rule Making" filed July 2, 1996 by DIMAGE, Inc. to FCC Docket No. 87-268 which will be helpful to understand and recognize fully the erroneous, unscrupulousness, and helplessness of the position and advice to the Administration, The President expressed by your Assistant Secretary Larry Irving in his two letters to FCC dated July 11, 1996 and August 9, 1996 on the crucially important policy issues on Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service.

I don't see any other possibility to reverse the erroneous position and advice to the Administration on the TV broadcast service issues policy then your personal public statement on these issues policy as the supervisor to Mr. Irving. But it is no way to do it other than by the previous thorough assessment all alternatives from the comments and replays to the comments filed in the FCC Docket No. 87-268 by your personal staff and briefing you on the results of this assessment.

Again, I offer the professional help of DIMAGE, Inc. for this hard professional journey. Whoever from your staff is welcome to call me any time they need it. I have professional obligation and

citizen duty to be helpful for the Administration, Department of Commerce, you personally to create the responsible, scientifically, economically, socially, politically at the end strong and correct position on the advanced TV free over-the-air broadcast service issues policy. At the stake is the prosperity, economical and social well being of the Unites States in years to come.

The current advice to the Administration expressed by Assistant Secretary of Commerce Larry Irving on the future of the TV broadcast service to American people, what it will be and how it will be standardized and implemented remind some useless attempts to design the endless bridge along the river instead across, try to jump over the gap to the future by the two jumps - the temporal coexistence NTSC and ATSC standards exactly like this.

Thanks for your time and consideration. I am looking forward to hear or read from you very soon - I honestly believe that President Clinton will be reelected to lead this great country to successfully close the chapter of the XX century and put the ground for the success in the next hopefully more prosper and peaceful century and millennium.

Sincerely and cordially, I'm

Dmitry A. Novik

Digital Imaging General, DIMAGE Inc.
...~~dimage~~ vs. ~~damage~~...

Dr. Dmitry A. Novik
President
Digital Imaging General,
DIMAGE Inc.
4621 Clark Pl., NW
Washington, D.C. 20007
tel: (202) 333-8956
e-mail: dnovik@CapAccess.org

October 9, 1996

Bill CLINTON
President of the United States
White House

Dear Mr. President:

I think that it is not a mistake, it is not premature, even at the time when I write this letter, month before November 5, 1996 presidential election, to congratulate you enthusiastically with successive reelection to be the second term President of the United States. When this letter will have the chance to be brought to your attention by your staff the election will be over already and you will be in the stage to schedule your priorities and initiatives for the second term of your Presidency.

It seems to me that the issue of the Administration policy for Advanced Television Systems and their Impact Upon Existing Television Free Over-the-Air Broadcast Service is extremely, crucially important to the economical and social well being of the United States, its global leadership and competitive position in global economy in years to come if to count the enormous role and influence of the TV service and products on economical, social, political life. Therefore, this issue deserves to be among the top of the list of your priorities and initiatives.

Provoked earlier in 1980th by multibillion effort to design, market, and dominate a huge TV market of its products and services by a new, the so called High Definition TV (HDTV), effort which was backed and financially supported by Japanese Government, all countries around the world, the European Community and United States particularly, jumped in this horse race to catch and protect its share on TV market.

In this horse race till now there are more victims than winners - the Japanese Government lost more than 3.2 billions of dollars after its attempt to introduce HDTV in the globe market is failed, the European Community after spending more than 2.8 billions starting from 1968 stopped in 1993 its support for the collapsed attempts to develop and market its version of HDTV.

United States jumped at this horse race for HDTV later than Japan and European Community and in 1987 FCC mandated its support for the development of the **exclusively digital** version of HDTV quite contrary to Japanese and European previous selection of the **analog** versions of HDTV suggesting that such digital choice for HDTV will be a way for success.

This suggestion, unfortunately, is in fact just nothing more than the next in turn failure. In its initial 1987 decision FCC forgot the main lesson which history gave before in 1953 on the crossroad of the transition in the United States from grayscale TV to color TV - the only way for a success in the TV marketplace for any new attraction in TV broadcast service is to be **compatible** with NTSC standard, its TV format foremost. Therefore, independent to the version - analog or digital - HDTV has not any chance to succeed on the market of the TV broadcasting because HDTV is **incompatible** with NTSC format. Even the euphoria with the magic adjective "**digital**" does not help, **compatibility** - it is what makes sense.

The Grand Alliance spent finally more than 800 millions of dollars and more than 9 years to develop digital HDTV standard and submitted it for the standardization to FCC. Let's to add to this money unknown money spent by FCC staff and other Government Agencies involved starting from 1987 till now. By its decision May 9, 1996 FCC announced its intention to accept digital HDTV as a new National TV standard and mandate its use.

Stakes are so high in such final decision that the leaders of the 104th Congress Mr. N.Gingrich and Mr. T.Lott signed June 19, 1996 a letter to FCC lobbying FCC for this final decision to make. Unfortunately, the representatives of your Administration, Dr. L. Johns, Associate Director for Technology, Executive Office of The President, Office of Science and Technology Policy and Mr. L. Irving, Assistant Secretary of Commerce associated with leaders of the 104th Congress in this move. Even Vice President A.Gore was involved being charmed by **digital** TV future.

I must tell you, Mr. President that the acceptance by FCC and standardization of the **incompatible** with NTSC format digital HDTV submitted by Grand Alliance will be the Grand Mistake in TV technology and services policy, will turn out to be economical and social disaster for United States, will blow up any bridge to XXI century, throw back the United States again in the beginning of the TV era. This threat is too serious not to count.

The necessary scientific, engineering, simply common sense reasoning for this warning statement is in the copies of my letters sent to FCC (4 pages), to L.Irving, Assistant Secretary of Commerce (5 pages), and to M.Kantor, Secretary of Commerce (2 pages) which I attached to this letter.

I recognize fully how difficult will be to make right for the prosper future of the country, American people decision and reject the wrong recommendations from some of your advisers, lobbying pressure from special self interests groups. I try to help as much as I can as a professional and as an honored to be naturalized US citizen.

Congratulation again and good luck in your leadership.

Sincerely, I'm truly yours

Dmitry A. Novik